



Division:	Human Resources (HR)
Title:	Standard Operating Procedures
Procedure:	ADMINISTRATIVE INVESTIGATION GUIDELINES
Original Effective Date:	01//01/2007
Revised Effective Date:	01/01/2007

## Administrative Investigation Guidelines

The following procedures are intended to serve as suggested guidelines for managers/supervisors to use when conducting investigations involving a disciplinary incident. Before an employee is disciplined for unsatisfactory job performance including grossly inefficient job performance or unacceptable personal conduct, a thorough investigation may be needed to determine if sufficient evidence exists for the appropriate action to be taken. It is recommended that investigations be initiated as quickly as possible. The purpose of an investigation is to:

- Gather the relevant facts.
- Obtain the employee's side of the story.
- Consider any extenuating circumstances.
- Determine the applicable policies violated (Division/Facility/School/Department /State).
- Determine the appropriate disciplinary action or make recommendations to management.

In addition, employees may be questioned by a division/facility/school designee to obtain information pertaining to an incident. Employees being interviewed during an investigation will be required to complete the [DHHS Internal Investigation Form](#) and provide a statement on the [DHHS Employee/Witness Statement Form](#).

- Step 1. Determine who will investigate and develop an investigative plan by assessing the information at hand to determine the specifics. (The information at hand may be a written statement or a verbal complaint. Determine the following:
- What happened?
  - Who was involved?
  - When did it happen?
  - Where did it happen?
  - Were there any witnesses?
  - Was the incident discussed with anyone?
  - Is there any documented evidence?
  - Are there others who have same concern?
  - Determine how you are going to document the interview. (Audio tape or rely on handwritten notes.)
- Step 2. Determine if any interim action is needed such as:
- Temporary Reassignment/Transfer
    - (a) Transfer to another shift
    - (b) Transfer to another duty station, or
  - Investigatory Placement with pay – [\(Investigatory Status With Pay Guideline and Template\)](#)
- Step 3. Determine the witness list as follows:
- The individual(s) having first hand knowledge of the issue
  - The individual(s) directly involved in the incident
  - The individual(s) named by the complainant or the accused who may have knowledge
  - Individual(s) who the employee asked you to interview
  - Individual(s) who may have observed
  - Supervisors/manager of parties involved

- Step 4. Prepare questions for the interview as follows:
- Prepare a list of general questions.
  - Move to more narrow questions about issue.
  - Ask questions that will give you relevant facts.
  - Ask open ended questions.
  - Ask who, what, when, where, why, and how.
  - Ask tough questions but save them for last.
  - Always ask, "Is there anything about this issue that you feel I need to know but did not ask?"
- Step 5. Conduct the interviews.
- Put the employee at ease.
  - Be prepared to respond to their questions. Example:
    - (a) What are you investigating?
    - (b) How will you use the information I give you?
    - (c) Is this confidential?
    - (d) Will I get in trouble by talking to you?
    - (e) Am I being investigated?
  - Stress the confidentiality of the investigation and have the employee complete and sign the [DHHS Internal Investigation Form](#).
  - Explain the nature of your investigation.
  - Get a detailed account of all events surrounding the issue(s).
  - Have the employee provide a handwritten signed statement after the interview covering the information provided to you on the [DHHS Employee/Witness Statement Form](#).
- Step 6. Prepare the Investigative Report. (Refer to the [Administrative Investigative Report Guideline](#))
- (a) Start the report with a summary of the issues providing background information as follows:
    - Name, position and location of individual who raised issue.
    - Date the issue was filed.
    - Name, position and location of the accused.
    - Name, position, and location of others involved in the investigation.
    - A statement summarizing the issue(s).
  - (b) List all findings of fact or evidence. Be sure to provide a copy of all documents referenced in your report and include any written statement(s) from witnesses. Some examples of facts are as follows:
    - Employment history of employee who filed the issue
    - Employment history of employee(s) accused in issue
    - Any relevant training the employee has taken
    - Any prior disciplinary action(s) (active)
    - Relevant facts derived from the interviews
    - Applicable Personnel Policies
    - Applicable Standard Operating Procedures
    - Applicable Federal and State Laws
    - Date investigation began
    - List of the names of people interviewed
    - Relevant Employee Time Sheet Information
    - Relevant Office Memorandums
    - Mileage Logs
    - Expense Records
    - Notes, or Diaries
    - Phone records

(c) Write the Conclusions.

- Include any policy or procedures applicable that were violated
- Identify conflicting or inconsistent statements of witnesses
- Identify direct information to support or dispute issue
- Identify any eye witnesses
- Identify the creditability of any witnesses
- Do not make assumptions
- Be sure to introduce the accuser's reasons for allegation being untrue
- Identify any observed demeanor of persons interviewed
- Chronologically report the information
- Make reasonable conclusions when necessary
- Was this something the employee knew or should have known?
- Was the act personal conduct or job performance?
- How serious was the offense?
- How has the division/facility/school dealt with similar cases?
- What is the employee's disciplinary history?
- Is the intent to modify or eliminate behavior?

Step 7. Recommendation: Make a statement such as: "Management takes whatever action deemed appropriate based on the findings in this investigation."

Website Resource:

DHHS Employee Relations, Disciplinary Action Policy

Reference Item 18 - **Internal Investigations/Refusal to Cooperate**

Reference Item 27 – **Placement on Investigation**

[http://info.dhhs.state.nc.us/olm/manuals/dhs/pol-50/man/Pol2\\_ER\\_DisciplineAct1.htm](http://info.dhhs.state.nc.us/olm/manuals/dhs/pol-50/man/Pol2_ER_DisciplineAct1.htm)

State Personnel Policy, Discipline/Appeals/Grievances

Reference - Investigatory Placement With Pay

<http://www.osp.state.nc.us/manuals/manual99/disaction.pdf>

## Administrative Investigative Report Guideline

(Complainant's Name, i.e. Don Webb)

(Type of investigation conducted, i.e. *Misuse of State Property Investigation*)

### Investigative Summary

- A summary of the issue(s) including the date you received the issue, name, position, and location of individual (s) who raised the issue and the accused. In short, state an overall background of the allegation/issue.

### Findings of Fact

- List the facts in a chronological order starting with the employment history of the individual alleging the complaint and the individual accused. List relevant substantial facts derived from interviews; list policies & procedures; persons interviewed and relevant documents.

### Conclusion

- Identify information to support or dispute issue to include conflicting or inconsistent statements from witnesses, creditability of witnesses and any policy/procedures violation. In short, what did your investigation reveal to support or dispute the allegation/issue?

### Recommendations

- Management takes whatever action deemed appropriate based on the findings and conclusions of this investigation. (May suggest a work rule or SOP be revised or established).

**NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
INTERNAL INVESTIGATION FORM**

EMPLOYEE NAME: \_\_\_\_\_

POSITION TITLE: \_\_\_\_\_

POSITION NUMBER: \_\_\_\_\_

WORK LOCATION: \_\_\_\_\_

I understand that I am being interviewed by the designees of the (Division/ Facility/ School) as a part of an internal investigation which has been ordered by (Name of Management), and that I am expected to cooperate with the officials conducting the investigation and to provide them complete and accurate information at the initial interview and also during any subsequent interviews which may be necessary. I further understand that the DHHS Disciplinary Action Policy states, *“An employee’s refusal to cooperate in a reasonable, administrative investigation will be considered a personal conduct issue and may result in disciplinary action, including dismissal”*. I further understand that discussing any aspect of the investigation with other employees of the Department of Health and Human Services or other individuals involved in the investigation is personal misconduct for which I may receive any level of discipline, up to and including dismissal. I further understand that:

- (a) Questions will relate specifically and narrowly to the performance of official duties and/or personal conduct;
- (b) The employee's answers cannot be used against him/her in any subsequent criminal prosecution;
- (c) The employee’s answers can be used against him/her in an administrative or disciplinary action;
- (d) The penalty for refusing to answer questions may be dismissal; and,
- (e) The penalty for providing false or purposefully misleading information may be dismissal.

Employee's Signature/Date: \_\_\_\_\_

Witness' Signature/Date: \_\_\_\_\_

**NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**EMPLOYEE/WITNESS STATEMENT FORM**

**In accordance with the DHHS Disciplinary Action Policy, “An employee’s refusal to cooperate in a reasonable, administrative investigation will be considered a personal conduct issue and may result in disciplinary action, including dismissal”.**

**DIRECTIONS: DO NOT TYPE. MUST BE HANDWRITTEN BY EMPLOYEE.  
PLEASE WRITE CLEARLY. FORM MUST CONTAIN AN  
ORIGINAL SIGNATURE OF EMPLOYEE SUPPLYING  
STATEMENT.**

EMPLOYEE NAME: \_\_\_\_\_

POSITION TITLE: \_\_\_\_\_

POSITION NUMBER: \_\_\_\_\_

WORK LOCATION: \_\_\_\_\_

STATEMENT: *(Use additional paper or back of form if necessary)*

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Please list any witnesses or individuals who may have information relative to this investigation.

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I understand this statement will be considered part of the official investigation and that I may be called on to testify or provide written or verbal clarifying statements. The statement I have provided is an accurate account of the case to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

